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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,072	08/01/2001	Forest S. Baker IV	2866.2.1	4418
28049	7590	06/30/2005	EXAMINER	
PATE PIERCE & BAIRD 215 SOUTH STATE STREET, SUITE 550 PARKSIDE TOWER SALT LAKE CITY, UT 84111			HOOSAIN, ALLAN	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/920,072

Applicant(s)

BAKER, FOREST S.

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/31/05 RCE,IDS.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) 39-75 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 and 76-95 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/31/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4,8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker** (US 6,216,111) in view of **Noble, Jr.** (US 6,356,634).

As to Claim 1, with respect to Figures 5-7, **Walker** teaches a method for customer contacting, the method comprising:

providing a system for interaction with a contact, the interaction being selectable between human and computer delivery (Col. 8, lines 1-12);

executing an interaction protocol to create an interaction with the contact (Col. 7, lines 32-49);

initiating a call to the contact (Col. 8, lines 42-51); and

interleaving responses from a human agent and a recorded script selected by a computer (Col. 8, lines 1-12):

**Walker** does not teach the following limitation:

“a recorded script selected by the agent”

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However, it is obvious that Walker suggests the limitation. This is because **Walker** teaches more flexible and effective tailoring of sales presentations (Col. 3, lines 42-50). **Noble, Jr.** teaches an agent selecting scripts for playing to a customer (Col. 5, lines 28-35 and 60-66). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add agent selected scripts to **Walker's** invention for agents to transparently communicate with customers as taught by **Noble, Jr.'s** invention in order to provide agents with monitoring of customers responses.

As to Claim 2, **Walker** teaches the method of claim 1, wherein the executing an interaction protocol is done by one of a human agent and a computer script (Col. 8, lines 1-5).

As to Claim 3, **Walker** teaches the method of claim 1, wherein the recorded script further comprises recorded data for generating a human-sounding voice waveform (Col. 8, lines 28-32).

As to Claim 4, **Walker** teaches the method of claim 1, wherein the recorded script is selected from audio recordings (computer-generated wave files, audio recordings, and synthesized voice) (Col. 8, lines 28-32 and Col. 7, lines 10-13).

As to Claim 8, **Walker** teaches the method of claim 1, wherein executing an interaction protocol further comprises selecting a contact type (Col. 9, lines 1-4).

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As to Claim 9, **Walker** teaches the method of claim 1, further comprising validating sales information (Col. 6, lines 26-38).

As to Claim 10, **Walker** teaches the method of claim 9, wherein validating sales information is done by one of a human agent and a computer dialing system (Col. 6, lines 26-39).

As to Claim 11, **Walker** teaches the method of claim 1, further comprising updating a customer file (Col. 6, lines 43-48).

As to Claim 12, **Walker** teaches the method of claim 1, further comprising maintaining a history of recorded scripts played (Col. 5, lines 48-50).

As to Claim 13, **Walker** teaches the method of claim 1, wherein initiating a call is executed by one of a human agent and a computer dialing system (Col. 8, lines 46-47).

As to Claim 14, **Walker** teaches the method of claim 1, wherein interleaving further comprises listening by the human agent to a response from the contact (Col. 8, lines 6-12).

As to Claim 15, **Walker** teaches the method of claim 1, wherein interleaving further comprises selecting and presenting content to the contact (Col. 7, lines 32-44).

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As to Claim 16, **Walker** teaches the method of claim 15, wherein interleaving further comprises posing a question following presenting content (Col. 7, lines 45-49).

As to Claim 17, **Walker** teaches the method of claim 1, wherein interleaving further comprises deciding on intervention (Col. 8, lines 7-12).

As to Claim 18, **Walker** teaches the method of claim 17, wherein deciding on intervention is done by the human agent (Col. 8, lines 7-12).

As to Claim 19, **Walker** teaches the method of claim 17, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response (Col. 8, lines 1-5).

As to Claim 20, **Walker** teaches the method of claim 17, wherein deciding on intervention further comprises determining to provide a live-voice response (Col. 8, lines 1-5).

As to Claim 21, **Walker** teaches the method of claim 17, wherein deciding on intervention further comprises determining to provide a recorded response (Col. 8, lines 1-5).

3. Claims 5,7,22-27,29-38,76-80,82-95 rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker** in view of **Noble, Jr.** and further in view of **Rogers et al.** (US 5,946,386).

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As to Claim 5, **Walker** teaches the method of claim 1, wherein the recorded script comprises a prerecorded script (voice waveform created independently) from the human agent;

**Walker** does not teach the following limitation:

“voice waveform created independently from the human agent”

However, it is obvious that **Walker** suggests the limitation. This is because **Walker** teaches that scripts are prerecorded for use by a computer (Col. 8, lines 1-4). **Rogers** teaches creating VIP rules (scripts) by users (agents) and/or organizations. VIP rules created by organizations are independent of users (Col. 36, lines 12-17 and Col. 34, lines 56-67). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add organization scripts to **Walker**'s invention for supporting organizations sales calls as taught by **Rogers**' invention in order to provide enhancement of sales opportunities.

As to Claims 7,82, **Walker** teaches the method of claim 1, wherein executing an interaction protocol further comprises:

**Walker** does not teach the following limitation:

“logging on by an agent”

However, it is obvious that **Walker** suggests the limitation. This is because **Walker** teaches call handling by agents (Col. 8, lines 1-4). **Rogers** teaches users (agents) logging in (Col. 34, lines 30-35). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add agent login incapability to **Walker**'s invention for determining availability of users as taught by **Rogers**' invention in order to provide enhancement of sales opportunities.

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As to Claims 22-27, 29-38, 76-80, 83-95, **Walker** teaches a method for customer contacting, the method comprising:

- providing an integrated system for interaction with a contact, the interaction being selectable between human and computer delivery;
- initiating a call to a contact;
- selecting content for presentation to the contact;
- presenting content to the contact;
- listening to a response from the contact;
- interleaving responses to the contact from a human agent and a recorded script selected by the agent, the recorded script reflecting a voice waveform prerecorded (created independently from the human agent) (Col. 8, lines 1-8); and
- closing the interaction with the contact (Col. 6, lines 26-37);

**Walker** does not teach the following limitation:

“voice waveform created independently from the human agent” and “recorded script selected by the agent”

However, it is obvious that **Walker** suggests the limitations. This is because **Walker** teaches more flexible and effective tailoring of sales presentations and scripts are prerecorded for use by a computer (Col. 3, lines 42-50, Col. 8, lines 1-4). **Noble, Jr.** teaches an agent selecting scripts for playing to a customer (Col. 5, lines 28-35 and 60-66). **Rogers** teaches creating VIP rules (scripts) by users (agents) and/or organizations. VIP rules created by organizations are independent of users (Col. 36, lines 12-17 and Col. 34, lines 56-67). Having the cited analogous



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art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add organization scripts and scripts selected by agents to **Walker's** invention for supporting organizations sales calls as taught by **Rogers'** and **Noble, Jr.'s** invention in order to provide enhancement of sales opportunities.

4. Claims 6,28,81 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker** in view of **Noble, Jr.**, **Rogers** and further in view of **Miner et al.** (US 5,652,789).

As to Claims 6,28,81, **Walker** teaches the method of claim 5, wherein the voice waveform further comprises:

**Walker** does not teach the following limitation:

“an audio track of a voice response recorded by a voice actor”

However, it is obvious that **Walker** suggests the limitation. This is because **Walker** teaches that scripts are prerecorded for use by a computer (Col. 8, lines 1-4). **Miner** teaches creating commands and tasks (scripts) with personalities (voice actors) for use by subscribers customer service representatives (Col. 45, lines 46-57). Since **Walker** and **Miner** are in analogous customer service representative art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add personality scripts to **Walker's** invention for supporting organizations sales calls as taught by **Walker's** invention in order to provide enhancement of sales opportunities.

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

None

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

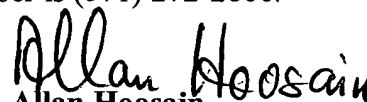
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Carlyle, Alexandria, VA 22313  
(Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

  
**Allan Hoosain**  
**Primary Examiner**  
6/13/05

Continuation of Attachment(s) 6). Other: The IDS revealed prior art 6,216,111 which teaches agents selecting scripts. This was the reason for Allowance in the 2/28/05 Notice of Allowance. Hence a new ground of rejection is given in the instant office action.